

Voyager minivan, MA Reg. 1124YV) have been observed at 115 Alley Street and parked in front of the residence on Alley Street; **4)** on several occasions during intercepts over ROSALES' facilities (target telephone # 2, target telephone # 6, or target telephone # 15), ROSALES directed his customers/ associates to meet him at the "red house" or the "red one" - a coded or short-hand reference to 115 Alley Street because the exterior of the first floor/level of 115 Alley Street has red aluminum siding. (The top 2 floors exterior is white siding.) Agent surveillances following Title III intercepts of ROSALES agreeing to meet persons at the "red house" confirmed ROSALES, himself, or one of his vehicles at the 115 Alley Street location<sup>29</sup>; **5)** the grey Mercury Sable station wagon (MA Reg. US 8280) that agents have observed ROSALES operating on numerous occasions around Lynn, MA, was once registered to Joel Agostini (ROSALES alias), 115 Alley Street, Apartment #1, Lynn, MA; **6)** all but one target telephones (except target telephone # 2) utilized by ROSALES during the

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<sup>29</sup> On January 30, 2004, COLON RIVERA called ROSALES at 11:17 a.m. to place an order for drugs and that he needed to see ROSALES at "the white house" - referring to 46 Wyman Street. ROSALES told COLON RIVERA that the deal could not be done at the "white house" because new people were living there. COLON RIVERA then asked ROSALES if the deal could be done at the "red one" - referring to 115 Alley Street. At first, ROSALES said no, but then directed COLON RIVERA to "wait for him at the red one at 12 o'clock." A short time later, surveillance agents in the vicinity of 115 Alley Street observed ROSALES and COLON RIVERA meet in the vicinity of 115 Alley Street to, apparently, complete their deal.

Title III intercept since August 1, 2003 - #1, #6, and #15 - were/are subscribed to either Jose ROSALES (#1) or Joel Agostini, ROSALES' alias (#2, #6, #15), 115 Alley Street, Lynn, MA; 7) the mail box for Apt. #1, 115 Alley Street, Lynn, MA bears the names "Angel Soto" (same name as electrical subscriber for 6 Endicott Street), "Ramos", "Cruz", "Velez", "Rivera" (MARTINEZ' alias), "ROSALES", "Joel Agostini" (ROSALES alias), and "Pelacz"; and 8) surveillance has observed ROSALES, GERMOSEN, and others coming and going from 115 Alley Street, most recently on February 12, 2004, when surveillance of 115 Alley Street confirmed the same green Lincoln Town car that ROSALES and Abreu were seen inside on March 20, 2003 and April 30, 2003 parked at this address.

**3) 80 Sagamore Street, Apt #205, Lynn, MA ("Rosalez")**

**Description of premises (Attachment A)**

30. This is a brick apartment building containing 40 units, the front awning is clearly numbered 80, and labeled "Harborside Apartments." The residential listing for 80 Sagamore Street posted in the building lobby indicates the name "Rosalez" as the tenant for Apt. #205. Apt. #205 is located off a hallway on the second floor of the building accessed by climbing 2 flights of stairs, and entering the hallway diagonally across from the landing (not the hallway to the immediate right). Apt. #205 is the first door on the right. The door is tan and has the numerals "205" written on the top center portion of the door in black

lettering. Apartments #205 and #204 are directly across from one another. (A photograph of 80 Sagamore Street, Lynn, MA is included as **Attachment B**. A floor plan of the second floor at 80 Sagamore Street reflecting Apt. 204 and Apt. 205 is also included as part of **Attachment B**.)

**Link to target subjects**

31. I believe that 80 Sagamore Street, Apt #205, Lynn, MA is the residence of ROSALES, his spouse (Vicki), and their young children based upon the following facts: **1)** The residential listing for 80 Sagamore Street (Harbor View Apartments) posted in the building lobby indicates the name "Rosalez" as the tenant/resident for Apt # 205; **2)** according to the utility, "National Grid," the listed subscriber for electrical service at 80 Sagamore Street, Lynn, MA is Jose ROSALES; **3)** agents have conducted surveillance of 80 Sagamore Street since the Spring of 2003 and have observed ROSALES coming and going from this location on numerous occasions; **4)** On November 5, 2003, ROSALES was intercepted over target telephone # 6 arranging to meet LIZARDI, initially, at 46 Wyman Street, but, later, ROSALES changed the location "to the parking lot at my house." Approximately 30 minutes following the call with LIZARDI, surveillance agents observed ROSALES arrive at 80 Sagamore Street, park in the lot adjacent to his apartment building, abruptly depart the lot several minutes later, circle the block

multiple times, then park near the front entrance of 80 Sagamore Street where he appeared to be speaking on his cellular telephone; **5)** the grey Mercury Sable station wagon that agents have observed ROSALES driving on numerous occasions around Lynn, MA was, until very recently, registered to Jose ROSALES, 80 Sagamore Street, Lynn, MA. (The grey Mercury Sable's new registration (MA Reg. US 20AJ) is under Joel Agostini (ROSALES' alias), 6 Endicott Street, Danvers, MA); **and 6)** calls between ROSALES and Vicki (his wife) speaking from 781 599-4697, the land line at 80 Sagamore Street, Apt. #205, Lynn, MA, and subscribed to Jose ROSALES, have been intercepted by monitors as recently as February 21, 2004.

**4) 80 Sagamore Street, Apt #204, Lynn, MA ("Cuervo")**

**Description of premises (Attachment A)**

32. This is a brick apartment building containing 40 units, the front awning is clearly numbered 80, and labeled "Harborside Apartments." The residential listing for 80 Sagamore Street posted in the building lobby indicates the name "Cuervo" as the tenant for Apt. #204. Apt. #204 is located off a hallway on the second floor of the building accessed by climbing 2 flights of stairs, and entering the hallway diagonally across from the landing (not the hallway to the immediate right). Apt. #204 is the first door on the left. The door is tan and has the numerals "204" written on the top center portion of the door in black

lettering. Apartments #204 and #205 are directly across from one another. (A photograph of 80 Sagamore Street, Lynn, MA is included as **Attachment B**. A floor plan of the second floor at 80 Sagamore Street reflecting Apt. 204 and Apt. 205 is also included as part of **Attachment B**.)

**Link to target subjects**

33. I believe that 80 Sagamore Street, Apt #204, Lynn, MA - the apartment next door to ROSALES residential apartment - is where Marcelino Cuevas, a/k/a CHON, currently lives based upon the following facts: **1)** The residential listing for 80 Sagamore Street (Harbor View Apartments) posted in the building lobby indicates the name "Cuervo" as the tenant/resident for Apt # 204. I believe that the listed tenant, "Cuervo," is "Marcelino Cuevas," an alias of CHON, a/k/a Marcelino Cuevas (SACAIDA's son); **2)** according to the utility, "National Grid," the listed subscriber for electrical service at 80 Sagamore Street, Apt #204, Lynn, MA is Marcelino Cuevas, CHON's alias; **3)** On January 31, 2004, monitors intercepted MADERA (over target telephone # 11) speaking with CHON who was calling from 781 598-2290, the land line at 80 Sagamore Street, Apartment # 204, Lynn, MA and a telephone subscribed to Juan Rodriguez, 80 Sagamore Street, Apt. #204, Lynn, MA; **and 4)** since January 30, 2004), the vehicle that agents have seen CHON driving around Lynn - a tan VW Passat (MA Reg. 6305WM) - has been seen parked outside 80 Sagamore Street on

multiple occasions.

**5) 16 Sheldon Street, Apt. #1, Lynn, MA**

**Description of premises (Attachment A)**

34. This is a three story, two family, wood structure, with tan siding, white trim, and with a gabled roof at the front of the house facing Sheldon Street. There is a four car garage in the rear of the dwelling. Apt. #1 encompasses the entire first floor of the building; Apt. #2 encompasses the second and third floors of the building. Access to both apartments is made through the front door on Sheldon Street or a back entrance in the rear of the house by the garage. The front of the house has blue shutters on the two first floor windows and there is an entrance with stairs and white railings leading from the sidewalk to the front door. The numerals "16" are clearly visible in gold numbers on the left side of the front door. There is a cement retaining wall along the front of the house and foundation of the house is painted red. To the right of the house is a driveway which leads to a detached garage in the back of the house. (A photograph of 16 Sheldon Street, Lynn, MA is included as

**Attachment B.)**

**Link to target subjects**

35. I believe that 16 Sheldon Street, Lynn, MA is the residence of Kelvin MADERA, a/k/a Manolo, a/k/a Manuel GERMOSEN, his spouse (Judith Collado), and their young children based upon

the following facts: **1)** according to the Essex County Registry of Deeds (Book 18638; Page 463), Rafael Perez executed a Quitclaim Deed granting "Judith Collado" the land and dwelling at 16 Sheldon Street, Lynn, MA on April 25, 2002 for \$275,000. Judith Collado is the spouse of Kelvin MADERA, a/k/a Manolo, a/k/a Manuel GERMOSSEN. Judith Collado is also the sister of Valentin MARTINEZ and Ricardo MARTINEZ; **2)** according to the Essex County Registry of Deeds (Book 18638; Page 465), Judith Collado is the signatory for a \$200,000 mortgage obtained from Meritage Mortgage Corporation on April 25, 2002; **3)** according to the Essex County Registry of Deeds (Book 18638; Page 488), Judith Collado is the signatory for a \$55,000 mortgage also obtained from Meritage Mortgage Corporation on April 25, 2002; **4)** according to the utility, "National Grid," the listed subscriber for electrical service at 16 Sheldon Street, Apt. #1, Lynn, MA is Judith Collado; **5)** On October 7, 2003 at approximately 8:40 a.m., GS Brady observed a 2002 silver Ford Winstar van (MA Reg. 5904 WL) parked in the rear of 16 Sheldon Street, Lynn, MA. This vehicle is registered to Judith Collado (MADERA's spouse), 16 Sheldon Street, Lynn, MA; **6)** the same day, at approximately 9:00 a.m., GS Brady observed the aforementioned Silver Ford Windstar turn left onto Eastern Avenue from Sheldon Street (a short distance from 16 Sheldon Street) and identified the operator of this vehicle as MADERA based up Brady's familiarity with MA Driver's License

photograph of "Kelvin MADERA" of 16 Sheldon Street, Lynn, MA; **and** 7) calls between MADERA (target telephone # 11) and Judith Collado (MADERA's wife) speaking from 781 595-0015, the land line at 16 Sheldon Street, Lynn, MA, and subscribed to Judith Collado, have been intercepted by monitors throughout this investigation.

**6) 83 Story Avenue, Newburyport, MA**

**Description of premises (Attachment A)**

36. This is a one story, ranch, wood structure, grey in color with white trim. Facing the front of the house, there is a driveway on the right with a single detached garage with white doors in the rear. The number 83 is clearly displayed on a mailbox at the end of the paved driveway. (A photograph of 83 Story Street, Newburyport, MA is included as **Attachment B.**)

**Link to target subjects**

37. I believe that 83 Story Avenue, Newburyport, MA is the primary residence (rental) of Valentin MARTINEZ, a/k/a Valentin RIVERA, a/k/a "V," a/k/a "Vale", his spouse, Ruth Saldivar, and two (2) young children based upon the following facts: **1)** according to the utility, "National Grid," the listed subscriber for electrical service at 83 Story Avenue, Newburyport, MA is Ruth Salbevl (sp), SSN 188-74-9979 (SSN of Ruth Saldivar); **2)** As of January 31, 2004, agents observed a black Jeep Cherokee (MA. Reg US 8280, registered to Jose ROSALES, 88 New Park Street, Lynn, MA) parked in the driveway of 83 Story Street; **3)** Since



January 1, 2004, agents have seen MARTINEZ' spouse, Ruth Saldivar, operating the same black Jeep Cherokee. Ruth Saldivar has also been seen coming and going from 83 Story Street; **4)** As of January 31, 2004, agents have seen a Yellow Cadillac sedan (MA Reg. US 41BD; registered to "Joel Agostini," 6 Endicott Street, Danvers, MA) parked in the driveway of 83 Story Street. Prior to MARTINEZ' September 2003 departure to Mexico, agents observed MARTINEZ operating the same vehicle in Lynn, MA; **5)** On or about September 8, 2003, intercepts over MARTINEZ facility (target telephone # 9) confirmed that MARTINEZ intended to move out of his residence at 1 Averill Street in Lynn, MA. Surveillance on September 8, 2003 at 1 Averill Street identified a group of Hispanic males (and vehicles) loading furniture and boxes into a U-Haul truck then driving to 83 Story Street, Newburyport, MA where the same Hispanic males greeted the truck and unloaded the furniture; **6)** On September 10, 2003 between 11:00 a.m. and 11:55 a.m., two days after the move from 1 Averill Street, Lynn, MA to 83 Story Street, Newburyport, MA, surveillance observed MARTINEZ and Ruth Saldivar walk in and out of the 83 Story Street residence several times. At 11:55 a.m., MARTINEZ exited the residence for a fourth time and get into a red Ford truck. Surveillance followed the red Ford truck containing MARTINEZ to Bob's Carburetor/Bob's Auto Sales, 62 Jefferson Street, Salem, MA where he remained until 1:00 p.m.

**7) 6 Endicott Street, Danvers MA****Description of premises (Attachment A)**

38. This is a two story, colonial style, wood structure, grey vinyl (or aluminum) siding with white trim. The number "6" is displayed on the front door atop of a small window. Two large green shrubs flank the 4-5 stairs leading to the front entrance. There is a detached, single car garage at the end of the driveway to the left of the house. As of 01-15-2004, the names on the mailbox were noted as follows: *Abreau* (ROSALES associate), *Agostini* (ROSALES alias), and *Santos* (registered owner of tan VW Passat being driven by CHON). (A photograph of 6 Endicott Street, Danvers, MA is included as **Attachment B.**)

**Link to target subjects**

39. I believe that 6 Endicott Street, Danvers, MA is a residence leased by the SACAIDA, MARTINEZ, MADERA organization as a third location, other than 46 Wyman Street, 115 Alley Street, and 17 Farm Avenue) at which to store/conceal either drugs or drug proceeds, and at which to register/garage various organization vehicles based upon the following facts: **1)** SACAIDA's wife/spouse Sagrario Godinez was housed at 6 Endicott Street, Danvers, MA following her arrival from Mexico on November 13, 2003. According to intercepts over MADERA's facility on November 11, 2003, SACAIDA dispatched Sagrario to Massachusetts to organize the finances of his drug organization, and ready 6

Endicott Street for his own arrival. In a subsequent intercept on November 13, 2003, Ruth Saldivar told MADERA that MARTINEZ (Ruth's husband) wanted MADERA to give Sagrario the keys to 6 Endicott Street because she would be staying there; **2)** On November 13, 2003, the day Sagrario arrived from Mexico, monitors intercepted her telling SACAIDA that she had arrived, was staying in the Danvers house, and that she was fixing it up (buying sheets, pillows, covers, etc.) in anticipation of SACAIDA's arrival. A check with ADT Security Systems confirmed that ADT installed a burglar alarm system at 6 Endicott Street, Danvers, MA, in the name "Andres MARTINEZ"<sup>30</sup>; **3)** the mail box at 6 Endicott Street, Danvers, MA bears the names *Agostini* (ROSALES' alias), *Abreu* (a ROSALES associate), and *Santos* (last name of registered owner of tan VW Passat that CHON has been seen driving recently; **4)** since January 30, 2004, surveillance has observed CHON coming and going from 6 Endicott Street, Danvers, MA on multiple occasions. CHON has arrived driving a tan VW Passat and, while at 6 Endicott Street, has been observed checking the property and, on cold days, starting up a blue Ford Explorer parked in the driveway; **5)** On October 29, 2003, ROSALES called GARCIA and directed him to transport drugs from the "countryside"

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<sup>30</sup> A hidden video camera located 6 Endicott Street depicted Sagrario Godinez standing outside 6 Endicott Street several days after she arrived from Mexico on November 13, 2003).

(referring to 17 Farm Road, Peabody, MA) to the place "over there where you put the names...over there in Danvers" (referring to 6 Endicott Street, Danvers, MA); **6)** ROSALES' grey Mercury Sable (MA Reg US 20AJ) is currently registered at 6 Endicott Street, Danvers, MA; as is the Yellow Cadillac sedan (MA Reg. US 41BD; registered to "Joel Agostini," 6 Endicott Street, Danvers, MA) that is currently parked at 83 Story Street (MARTINEZ house) and in which MARTINEZ was seen driving in September 2003; **7)** according to the utility, "National Grid," the listed subscriber for electrical service at 6 Endicott Street, Danvers, MA is "Angel Sato" (similar spelling as one of the listed tenants at 115 Alley Street, Apt. #1, Lynn, MA; **8)** video surveillance since February 13, 2004 has confirmed SACAIDA, SACAIDA's spouse, Sagrada Godinez, and a third female, Martha Rubio, at the 6 Endicott Street location; **9)** On February 9, 2004, the government obtain judicial authorization to install a GPS tracking device on the aforementioned blue Ford Explorer (VIN # 1FMZU73E7ZC51743). Since SACAIDA's arrival in Massachusetts on February 13, 2004, he has been observed operating the blue Ford Explorer. Since February 15, 2004, the GPS tracking device has confirmed that this vehicle is parked overnight at 6 Endicott Street.

**8) 62 Jefferson Ave, Salem MA (Bob's Carburetor/Bob's Auto Sales)**

**Description of premises (Attachment A)**

40. This is a commercial building, with a metal roof, and steel frame. The building appears to contain two (2) businesses within the same structure (Bob's Carburetor and Bob's Auto Sales) and extends from the front of the street back by a long driveway towards a rock outcropping. Along the building's right side are a number of used vehicles for sale. Facing the building (from left to right) there is a red door, two garage doors (that increase in size), another red door, and an oversized garage door followed by a white door. On the front of the building hangs a red and white sign that reads "Bob's Carburetor"; on the right hand side of the building along the driveway hangs another red and white sign that reads "Bob's Auto Sales." (A photograph of 62 Jefferson Avenue, Salem, MA (Bob's Carburetor/Bob's Auto Sales) is included as **Attachment B.**)

**Link to target subjects**

41. I believe that Bob's Carburetor and Bob's Auto Sales located (together) at 62 Jefferson Avenue, Salem, MA are commercial businesses owned and operated by Robert RUSCIO, a significant and frequent drug customer of ROSALES and the SACAIDA/MARTINEZ/MADERA organization evidenced by multiple intercepts between RUSCIO and ROSALES. Bob's Carburetor/Bob's Auto Sales are frequented by members of the SACAIDA drug organization (including SACAIDA, ROSALES, MARTINEZ, CHON, MADERA, GERMOSEN, GARCIA, and others) and is used, I believe, as a

location to meet and/or conceal evidence of illegal drug distribution or money laundering based upon the following facts:

**1)** according to the utility, "National Grid," the listed subscriber for electrical service at 62 Jefferson Avenue, Salem, MA is Robert RUSCIO, DOB: 10/29/68, tel. no. 978 744-1441; **2)** three of the four telephones from which RUSCIO was intercepted speaking with ROSALES about purchasing drugs -- (978) 733-1441; (978) 744-1442; and (978) 744-1783 -- are subscribed to either Bob's Carburetor ATTN: Robert RUSCIO, 60 Jefferson Avenue, Salem, MA or Bob's Auto Sales, 62 Jefferson Avenue, Salem, MA; **3)** agents have conducted surveillance of Bob's Carburetor/Bob's Auto Sales since the Spring of 2003 and have observed the following persons coming and going from this establishment on various occasions: RUSCIO, CHON, ROSALES, MARTINEZ, Ricardo MARTINEZ, ORTIZ, RUIZ, MADERA, SACAIDA and, most recently, on February 13, 2004 surveillance of Bob's Carburetor/Bob's Auto Sales confirmed CHON at this address; **4)** On September 20, 2003, MARTINEZ told ORTIZ to "go ahead and stop by the cars so you can give it (i.e. drug money) to my brother (referring to ROSALES)." A short time later, surveillance at Bob's Carburetor/Bob's Auto Sales, 62 Jefferson Avenue, Salem, MA, observed ORTIZ arrive and enter the garage. Several minutes later, ORTIZ exited Bob's Carburetor/Bob's Auto Sales, re-entered his vehicle and drove off; **5)** On September 21, 2003, MARTINEZ directed ROSALES to "go to the

dealership" (referring to Bob's Auto Sales) to find out how much money "Chapparo" owed MARTINEZ for a prior drug purchase; **6)** On August 9, 2003, SA Harry Brady performed reconnaissance at Bob's Carburetor/Bob's Auto Sales at 62 Jefferson Avenue, Salem, MA. As Brady walked up to the front of the business he made the following observations: **(a)** a black Jeep Cherokee (MA Reg. TC7279) blocked the front driveway; the same vehicle that surveillance has seen parked in front of both 1 Averill, Lynn, MA and 83 Story Street, Newburyport, MA - past and present homes of Valentin MARTINEZ and Ruth Saldivar; **(b)** MARTINEZ, himself, was standing in the bay area of the garage; **(c)** an Hispanic male approached Brady and introduced himself as "Juan" - Brady later recognized this individual as CHON; **6)** practically every day since January 15, 2004, surveillance has observed CHON coming and going from Bob Carburetor/Bob's Auto Sales; **7)** on numerous occasions during the intercept, RUSCIO called ROSALES (target telephone #1, target telephone # 6, target telephone # 15) from Bob's Carburetor/Bob's Auto Sales, ordered drugs from ROSALES, asked ROSALES to deliver the drugs to him "at the shop"; **8)** on February 18, 2004, video surveillance observed SACAIDA arriving at Bob's Carburetor/Bob's Auto Sales driving the blue Ford Explorer; **and 9)** On February 20, 2004, SACAIDA called an Hispanic female, Lorena LNU, from target telephone # 18 and told her to send two (2) checks to him (via FedEx or UPS) at "...the

dealership...62 Jefferson Avenue...Salem...zip code is 01970..up top you have to put, please, Andres Martinez." Lorena LNU replied, "okay, so its going to Andres Martinez, 62 Jefferson Avenue, Salem, Massachusetts 01970." "Uh-huh," answered SACAIDA, "yes, like that."

**9) 892 Washington Street, Lynn, MA (Giovanni's BMW Auto Body)**

**Description of premises (Attachment A)**

42. This is a 2 story, wooded, grey commercial building, with white trim around all windows. There is a white railing surrounding a porch on the second floor, south side of the building. The east side of the building has 2 blue awnings over windows on the first floor. Standing behind the grey 2 story building is a one level, white, cinder block or concrete structure that serves as the "garage" for the business. Atop this structure and over a garage bay is a large white sign with colored lettering that reads "Giovanni's BMW Auto Body." To the west (left) of the garage bay is a red door; to the east (right) of the garage bay is another garage bay door with another sign "Giovanni's" above that door. The lot contains many parked used vehicles. (A photograph of 892 Washington Street, Lynn, MA (Giovanni's BMW Auto Body) is included as **Attachment B.**)

**Link to target subjects**

43. I believe that Giovanni's BMW Auto Body located at 892 Washington Street is a commercial business owned and operated by



Giovanni AVILA, a kilogram (cocaine) customer of MARTINEZ and ROSALES and the SACAIDA/MARTINEZ/MADERA organization as evidenced by intercepts between AVILA and MARTINEZ based upon the following facts: **1)** according to the utility, "National Grid," the listed subscriber for electrical service at 892 Washington Street, Apt. #1, Lynn, MA is Giovanni AVILA, Tel. No. 781 595-8959; **2)** 781 595-8959 is subscribed to Giovanni's BMW Auto Body; **3)** Lynn property records indicate that "Giovanni's BMW Auto Body", 892 Washington Street, Lynn, MA is currently owned, jointly, by DANIELA REALTY TRUST and GIOVANNI AVILA TRUST and was purchased for \$244,000 on December 23, 1993; **4)** the property and improvements at 829 Washington Street, Lynn, MA are secured by a \$275,000 mortgage from Broadway National Bank; the mortgagor are the DANIELA REALTY TRUST and the GIOVANNI AVILA TRUST; **5)** surveillance has observed AVILA (the same person depicted in the MA Driver's License photograph of Giovanni AVILA, 892 Washington Street, Apt. #1, Lynn, MA) at this location (Giovanni's BMW Auto Body) most recently on February 25, 2004. A short time before AVILA was observed at his auto body shop, surveillance observed SACAIDA drive to and enter Giovanni's BMW Auto Body, stay for a short period of time, and then depart. Subsequent intercepts over target telephone # 19 (SACAIDA's telephone) on February 25, 2004 confirmed AVILA calling SACAIDA but getting voice mail instead.

**10) 56 Hurd Street, Malden MA**

**Description of premises (Attachment A)**

44. This is a 3 story, wooden, colonial style 2 family residence (duplex) with light grey vinyl siding. The residence has a front porch or covered stoop with two (2) doors about 6 feet apart but on the same level. 56 Hurd Street is accessed through the right hand door. The numerals "56" are clearly visible (on the brick facade) just to the left of the right hand door. (A photograph of 56 Hurd Street, Malden, MA is included as **Attachment B.**)

**Link to target subjects**

45. I believe that 56 Hurd Street, Malden, MA is the residence of Phil ASARO, a kilogram (cocaine) customer of MADERA and GERMOSEN, and is a location where ASARO takes delivery of drugs from MADERA and GERMOSEN, stores drugs prior to its re-sale to ASARO's own customers, and stores the illegal cash proceeds of his cocaine distribution business based upon the following facts:

**1)** According to the utility, "National Grid," the listed subscriber for electrical service at 56 Hurd Street, Malden, MA is Nella ASARO and Phil ASARO (activation date 8/7/00); **2)** ASARO has been observed driving a grey Chevrolet Avalanche (MA Reg. K40456, registered to Patriot Paving & Construction, 77 Alexander Road, Billerica, MA) numerous times since October 2003. This vehicle was seen parked in the driveway of 56 Hurd Street on or

about February 17, 2004, but with different MA Registration (K51997); **3)** surveillance of 56 Hurd Street the same day confirmed a black Ford Expedition (MA Reg. US 67AM) registered to Philip ASARO, 238 School Street, Apt.#3, Somerville, MA; **4)** ASARO has been observed coming and going from 56 Hurd Street, including November 13, 2003, when ASARO exited 56 Hurd Street, Malden, MA, enter the black Chevrolet Avalanche (MA Reg. K40456), and drive towards Broadway in Malden; **and 5)** After several conversations between MADERA and ASARO on February 8, February 11, and February 12, 2004, in which ASARO negotiated to buy cocaine from MADERA, surveillance observed MADERA and GERMOSSEN drive their vehicle to 56 Hurd Street early in the afternoon of February 12, presumably, to deliver cocaine to ASARO.

**11) 17 Farm Avenue, Peabody MA**

**Description of premises (Attachment A)**

46. This is a single family residence, yellow in color, situated on a parcel of land set back from the Farm Avenue with its own private driveway. At the beginning of the driveway, there is yellow free-standing mailbox with the numerals "17" written on the mailbox. Next to the house is a detached one car garage, also yellow in color, with one blue door. There is a paved hard top driveway in front of and next to the house with a basketball hoop. There is a large wooden deck that surrounds most of the building. Off the deck on the north side of the house is

an entrance (blue door) to the basement; off the deck to the south side of the house is the main entrance to the house. There is a "sky light" on the roof of the house below the brick chimney. (A photograph of 17 Farm Avenue, Peabody, MA is included as **Attachment B.**)

**Link to target subjects**

47. I believe that 17 Farm Avenue, Peabody, MA is another of the residences/locations leased by the SACAIDA, MARTINEZ, MADERA organization (including 46 Wyman Street, 115 Alley Street, and 6 Endicott Street) to store/conceal either drugs, drug proceeds, or other documentary and physical evidence of the organization's illegal conduct based upon the following facts: **1)** 978 535-8249, the land line for 17 Farm Avenue, Peabody, MA was subscribed to Sagrario Godinez (SACAIDA's wife) but terminated in December 2003. (Currently no land line service for 17 Farm Avenue; **2)** On September 17, 2003, myself and other agents conducted a "trash pull" from 17 Farm Avenue and seized the following items: **(a)** clear plastic wrapping material consistent with kilogram or marijuana wrappers; **(b)** a paper with 603 265-0100 written on it; the same number of target telephone # 4, cellular telephone used by MARTINEZ; **(c)** a paper/ring for \$5000; **(d)** a portion of a \$50 bill; and **(e)** bag of small elastics commonly used to wrap bundles of money; **3)** On September 29, 2004, ROSALES called GARCIA and asked if he had been "to the

countryside today (17 Farm Ave, Peabody, MA)...because I wanted you to take out the *muchachas*" (referring to marijuana)...if possible right now, I want you to take them over there where you put the names...over there in Danvers". (ROSALES was directing GARCIA, I believe, to move marijuana from 17 Farm Ave, Peabody, MA ("countryside") to 6 Endicott Street, Danvers, MA (another organization location). In the same intercept, monitors overheard CHON (in the background) telling GARCIA to leave "the keys" (to 17 Farm Avenue, Peabody, MA) on one of the tires of "the Explorer" (referring to an organization vehicle that was, evidently, parked at 17 Farm Avenue that day); **4)** during a November 11, 2003 intercept between SACAIDA and CHON, SACAIDA directed CHON to get rid of *la casa del campo* (Spanish for "the house in the country," and a coded reference, I believe, to terminating the lease to 17 Farm Avenue); **5)** On February 7, 2004, video surveillance confirmed CHON (driving the blue Ford Explorer) emptying the mailbox at 17 Farm Avenue, then driving down the driveway towards the house. (On previous days, video surveillance identified ROSALES and GARCIA at 17 Farm Avenue; **6)** On February 19, 2004 video surveillance observed SACAIDA (driving the blue Ford Explorer) enter the driveway of 17 Farm Avenue<sup>31</sup>;

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<sup>31</sup> The GPS tracking device for the blue Ford Explorer previously authorized by the Court on February 9, 2004 confirmed the vehicle going to 17 Farm Avenue on February 19, 2004.

7) On February 10, 2004, MADERA and an unidentified Hispanic male (UM) discussed selling 1000 pounds of marijuana for \$600 a pound. MADERA was not interested ("I try to keep away from that stuff...") but agreed to ask SACAIDA about it when he arrived. ("This old man is on his way right now.") On February 19, 2004 at 12:24 p.m., SACAIDA told MADERA that he had just been to the *Campo Deportivo* (country/farm, referring, I believe, to 17 Farm Avenue), that he was "just in it," and that "they (landlord) are giving (renting) it to me." (An indication the property will, again, be utilized by SACAIDA's organization.) SACAIDA also remarked that the location "would be great for that asshole." (Meaning, I believe, that 17 Farm Avenue would be a good location to store 1000 pounds of marijuana belonging to the UM.) MADERA said he would "call him right now." Three minutes later (at 12:27 p.m.), MADERA called the UM to say that they needed to meet, and that, "someone (SACAIDA) told me to ask you about something." At 1:28 p.m., MADERA called SACAIDA to tell him that he had "talked to this guy (UM). "And," asked SACAIDA. "He says he has no problem with it...He says it's okay with him," replied MADERA. SACAIDA countered, "because I think its perfect for him...don't you think so?"

## II. PROBABLE CAUSE TO SUPPORT ARREST/SEARCH WARRANTS

48. In connection with the Title III intercept initially authorized by the Court on August 1, 2003 and which, to date, is

ongoing, approximately three quarters of the conversations that have been intercepted have been conducted in Spanish and, as such, have been transcribed into English by Spanish/English interpreters. The remaining conversations have been conducted in English, owing to the fact that some of the SACAIDA/MARTINEZ/MADERA organization's customers - RUSCIO, GREENBERG, ASARO - speak English when ordering drugs. Some of the conversations also contained either coded, cryptic, or veiled language in order to hide the intended meaning of the calls and, as a result, evade law enforcement detection.

### **Background**

49. Based upon a review of these conversations, corroborated agent surveillance, analysis of telephone and other commercial data base records, confidential informant information, as well as a series of controlled drug purchases and recorded telephone conversations made by undercover agents/officers or cooperating individuals in the months preceding the commencement of the Title III intercept, I believe that SACAIDA, MARTINEZ, and MADERA head a sophisticated international cocaine distribution organization that is centered in Lynn, MA.

50. Through the efforts and contacts of his uncle based in Mexico (SACAIDA), MARTINEZ has, in the past, been able to secure multi kilogram loads of cocaine by arranging for multi kilogram shipments to be smuggled from Mexico into the United States and,

thereafter, to New York and other parts of the country, including Lynn, MA. When drugs arrived in Lynn, MARTINEZ was assisted by MADERA (his brother-in-law) in its distribution to their own broad customer base, as well as to the drug customers of MARTINEZ' lieutenant/associate, ROSALES. To facilitate distribution, MARTINEZ and MADERA have commonly utilized large SUVs that contained roomy hidden compartments capable of secreting many kilograms of cocaine. As drug proceeds were collected by organization members, SACAIDA, MARTINEZ, and MADERA began the process anew of planning future cocaine shipments from Mexico to this area.

51. During the past six months that the Title III intercepts have been ongoing, investigators have learned that MARTINEZ, unexpectedly, was forced to return to Mexico to care for his ailing mother in mid September 2003 and left his associates MADERA and ROSALES in charge of the organization's business affairs in his absence. As a result, large shipments of cocaine from Mexico abruptly stopped in the Fall of 2003 and resumption of such shipments was not expected until MARTINEZ could return to the area. In the interim, MADERA and ROSALES have managed, with some difficulty, to keep their customer base supplied with cocaine by relying upon a handful of kilogram level suppliers from around Lynn, MA (ACOSTA), as well from suppliers living out of state - Roberto GUZMAN (CT) and Diego BALBI (NY).



Notwithstanding these efforts, MADERA and ROSALES have been "putting off" their customers (who have been demanding more cocaine) by promising them that the organization was expecting a large shipment of drugs in early 2004. Intercepts since November 2003 have also confirmed that SACAIDA has supplanted MARTINEZ in overall management of the organization and relegated MARTINEZ to a lesser role; SACAIDA has, apparently, engineered the shipment of a large load of cocaine (perhaps 350 kilograms of cocaine) from a source in Mexico and is planning to bring that shipment to the Lynn, MA area very shortly; that SACAIDA has raised funds from multiple sources (including cash from MADERA and real estate from MARTINEZ) to secure this drug shipment; that SACAIDA dispatched his spouse, Sagrario Godinez, to Massachusetts on November 13, 2003 to handle the organization's bookkeeping matters as well as ready one of the organization residences (6 Endicott Street, Danvers, MA) for his arrival; and that both SACAIDA and MARTINEZ are planning to return to Lynn very soon to oversee the receipt and distribution of this drug shipment to the customers base of MARTINEZ, MADERA, and ROSALES.

52. Additional evidence gathered, to date, indicates that ROSALES, CHON, Ricardo MARTINEZ, GARCIA, and GERMOSEN, work at the direction of SACAIDA, MARTINEZ, and MADERA by assisting them with the distribution of kilogram amounts of cocaine and the related collection of illegal drug proceeds. In addition,